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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,332	02/13/2001	Keiichi Iwamura	35.G2740	9055
5514	7590	09/13/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			BACKER, FIRMIN	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/781,332

Applicant(s)

IWAMURA, KEIICHI

Examiner

Firmin Backer

Art Unit

3621

*HW*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-34, 36-42 and 44-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-34, 36-42 and 44-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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***Response to Amendment***

This is in response to an amendment file on June 14<sup>th</sup>, 2004. In the amendment, claims 1, 3, 6, 8, 9, 11, 14-23, 26-30, 33, 34, 36, 39, 41, 42, 44, 46-54 and 64 have been amended, claims 2, 10, 35, and 43 have been canceled, and no claim has been added. Claims 1, 2-9, 11-34, 36-42 and 44-64 remain pending in the letter.

***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 2-9, 11-34, 36-42 and 44-64 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2-9, 11-34, 36-42 and 44-64 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Rhoads (U.S. PG Pub No. 2003/0128861).

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4. As per claims, Rhoads teach 1, 6, 9, 14, 17-19, 34, 39, 42, 47, 50 and 57 a image processing apparatus comprising: user information storing means for storing user information related to a seller or a buyer of the image processing apparatus; and multiplexing means for multiplexing the user information to an output image, wherein said user information is obtained when the image processing apparatus is sold through a network (*see the entire patent, claims 37-100, page 35-37*).

5. As per claim 3, 11, Rhoads an image processing apparatus further comprising information setting means for setting a predetermined information related to the seller or the buyer of the image processing apparatus; wherein the multiplexing means for multiplexing the predetermined information to an output image (*see the entire patent, claims 37-100, page 35-37*).

6. As per claim 4, 7, 12, 15, 36, 40, 45, 48, Rhoads an image processing apparatus wherein the predetermined information is a public key certification (*see the entire patent, claims 37-100, page 35-37*).

7. As per claim 5, 8, 13, 16, 37, 41, 46, 49, Rhoads an image processing apparatus wherein the predetermined information is information to specify a objective use on a database (*see the entire patent, claims 37-100, page 35-37*).

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8. As per claim 20, 27, 51, 58, Rhoads an image processing apparatus wherein the user information includes a public key certification or the account number of the buyer or the information of the buyer's credit card (*see the entire patent, claims 37-100, page 35-37*).

9. As per claim 21, 28, 52, 59, Rhoads an image processing apparatus wherein the user information includes information of the seller or information of date of sale or information selling the image processing apparatus (*see the entire patent, claims 37-100, page 35-37*).

10. As per claim 22, 29, 53, 60, Rhoads an image processing apparatus wherein the user information is stored according as a driver of the image processing apparatus is downloaded or is installed (*see the entire patent, claims 37-100, page 35-37*).

11. As per claim 23, 30, 54, 61, Rhoads an image processing apparatus wherein the multiplexing is performed by using digital watermark (*see the entire patent, claims 37-100, page 35-37*).

12. As per claim 24, 25, 31, 32, 55, 56, 62, 63, Rhoads a method wherein the digital watermark is added in a spatial area of the output image in a frequency area of the output image (*see the entire patent, claims 37-100, page 35-37*).

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13. As per claim 33, 64, Rhoads a method wherein the image processing product includes a personal computer or a scanner or an image processing software (*see the entire patent, claims 37-100, page 35-37*).

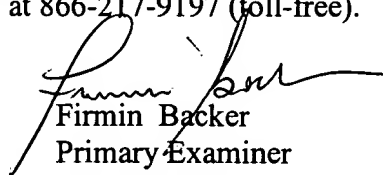
***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (*see form 892*).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Firmin Backer  
Primary Examiner  
Art Unit 3621

September 8, 2004